IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2458 OF 2006

Dhondiram Nana Jadhav. .. Petitioner.

vs.

Suman Subhash Bhosale

& Ors. . .. Respondents.

Mr. Amit Borkar for petitioner.

CORAM : A.P. DESHPANDE, J.

DATE : 30th November, 2006.

P.C.

. The plaintiff is the daughter of the defendant no. 1. This is a writ petition filed by the original defendant no. 1 challenging the orders passed by the trial Court and the first appellate court, allowing an application moved by the respondent herein, granting temporary injunction against the present petitioner from recovering the rent from the tenants in the suit property and from disturbing the possession of the plaintiff/ respondent till decision of the suit. The plaintiff is claiming the suit property under a will executed by her mother, under which testament, the property has been bequeathed by the mother in favour of the

plaintiff/daughter as she was staying with her and looking after her. Though the property is bequeathed in favour of the plaintiff the defendant no. 1 petitioner has been granted life interest to stay in the said premises. Acting on the will the present petitioner so also the daughter had moved the City Survey Authorities for mutation of their names. The will bears a certificate of a doctor that the testator was physically and mentally in good state to execute that testament. Taking an overall view of the matter, concurrent orders have been passed by the courts below which orders do not require to be interfered with, in jurisdiction under Article 227. Hence, the writ petition is summarily dismissed.

2. The learned counsel for the petitioner submits that the petitioner is aged about 85 years and has hardly any means of livelihood. If this be the position, the petitioner is free to make an appropriate application before the trial court seeking suitable directions in the matter. Having regard to the fact that the petitioner is aged 85 years, I direct the trial court to decide the suit as expeditiously as possible and at any rate within a period of six months from today.

(A.P. Deshpande, J.)